

Appl. No. 10/538,840
Amendment dated: March 18, 2009
Reply to OA of: December 18, 2008

REMARKS

At the outset, Applicants thank Examiner Swartz for his time and consideration of the above-identified application during the conversation with the undersigned on March 18, 2009. During the conversation, Applicants discussed how to amend claims 31, 42, and 43 to overcome the rejection under 35 U.S.C. 112, second paragraph as allegedly being indefinite.

Claims 27-35, 38-43, 45, 46, and 48 are pending in the application. Applicants note with appreciation the indication that claims 27-30, 32-35, 38-41, 45, 46, and 48 are allowed. Claims 27-30, 32, 35, 38-41, 43, 45, 46, and 48 remain unchanged.

Claim 31 has been amended to further emphasize that the isolated polypeptide is encoded by the nucleic acid sequences of SEQ ID NO: 1 or 3. Support for this recitation is found in the third full paragraph on page 21 of the specification.

Claims 33, 34, and 42 have been amended to address formal matters. Claims 33 and 34 have been amended to include periods at the end of the claim. Claim 42 is now dependent on allowed claim 32.

The sole remaining rejection in the application is the rejection of claims 31, 42, and 43 as allegedly being indefinite under the second paragraph of 35 USC 112. Applicants believe that the present Amendment overcomes this rejection.

Claim 31 is dependent on claim 27. Claim 27 recites that the "polynucleotide can be isolated from *Trypanosoma congolense* and which comprises one of the nucleic acid sequences selected from the group consisting of SEQ ID NO: 1 and 3". In this regard, the isolated polypeptide of claim 31 must be encoded at in least in part by SEQ ID NO: 1 or 3. Nevertheless, in the interest of advancing prosecution, claim 31 has been

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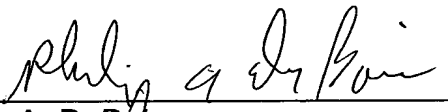
amended to recite that "the isolated polypeptide is encoded by the nucleic acid sequence of SEQ ID NO: 1 or 3. In view of the above, Applicants respectfully submit that the change is non-narrowing scope.

Claim 42 has been amended so that it is dependent on allowed claim 32. Claim 43 is dependent on claim 42.

Applicants respectfully request withdrawal of the rejection.

In view of the present Amendment and foregoing remarks, therefore, Applicants respectfully request submit that the present application is in condition for allowance.

Respectfully submitted,
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